

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 7/7/2008 Monday Dept: 1A

(Posted 7/3/08)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF7416 [M] CALAVERAS LUMBER v EASTBURN
Type: BREACH OF CONTRACT Date Filed: 02/06/07
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: CALAVERAS LUMBER COMPANY ATTY: AIROLA & AIROLA
DEFNDT: EASTBURN, STEVE
Service Date/Type: 02/13/07 PER 00 00 00
DBA: PRO ONE BUILDER

Tentative Ruling: Plaintiff has filed a Notice of Settlement. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss pursuant to Cal Rules 3.1385 in Dept. 1A at 1:00 PM on 10/6/08.

2. **1:00 PM** Case: CF7811 [M] BANK OF AMERICA NA v SCHMOLLINGER
Type: COLLECTIONS Date Filed: 12/03/07
Priority Info: RULE 3.740
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BANK OF AMERICA, N.A. ATTY: ZIDE, FLINT C. ESQ
DEFNDT: SCHMOLLINGER, ALEISHA L.

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/3/08.

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3. 1:00 PM Case: CF8034 [M] LN ACQUISITIONS INC v MARSH
Type: BREACH OF CONTRACT Date Filed: 04/29/08
Event: OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED
09/22/08 1:00 1A CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: LN ACQUISITIONS INC ATTY: SPIWAK & IEZZA
DEFNDT: MARSH, JAMES C
DBA: ANYTHING SCOUT

Tentative Ruling: Plaintiff has not filed a proper Proof of Service as to all defendants. The OSC is continued over to the previously scheduled CMC time and date.

4. 1:00 PM Case: CV30675 [S] ORR v PONTE
Type: CIVIL COMPLAINT Date Filed: 06/04/04
Priority Info: 170.6 JEM
Event: TRIAL SETTING

Related cases NOT on this calendar: CV30020 , CV30028 , FL21101 ,
PLF/XD: ORR, DENISE ATTY: THOMAS, LAW OFFICES OF RANDY
DBA: BAR P CATTLE COMPANY
DEF/XC: PONTE, DENNIS ATTY: FOLEY, KENNETH M ESQ
Service Date/Type: 06/09/04 PER Answer Date: 07/12/04

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 6 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 4 day court trial.

5. 1:00 PM Case: CV33021 [S] ASHLOCK v ANDERSON
Type: FRAUD Date Filed: 09/22/06
Event: READINESS CONFERENCE
07/23/08 9:00 1 JURY TRIAL - CIVIL
JURY FEES DEPOSITED BY PLAINTIFF

PLNTFF: ASHLOCK, TIMOTHY ATTY: IN PRO PER
DEFNDT: ANDERSON, JENNIE ATTY: PAYNE, LAW OFFICES OF HARVEY
Service Date/Type: 10/16/06 PRS 00/00/00

Tentative Ruling: Trial on 7/23/08 at 9:00 am in Dept. 1 is confirmed.

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6. 1:00 PM Case: CV33039 [S] OGILVIE v TAYLOR
Type: CIVIL PETITION Date Filed: 09/29/06
Priority Info: CONS. W/33425; 33039 LEAD FILE
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

Related cases NOT on this calendar: CV33425 ,
PLF/XD: OGILVIE, GEOFFREY ATTY: WEISBERG, MICHAEL ESQ
PLF/XD: OGILVIE, LINDA ATTY: WEISBERG, MICHAEL ESQ
X/COMP: FREY, JERRY D ATTY: BECHELLI, LAW OFFICES
DEF/XC: TAYLOR, BACLE G ATTY: MACOMBER, MICHAEL D. ESQ
Service Date/Type: 10/18/06 PRS Answer Date: 11/27/06
DBA: BACE CONSTRUCTION
DEF/XC: TAYLOR, JEANNE L ATTY: MACOMBER, MICHAEL D. ESQ
Service Date/Type: 10/18/06 SUB Answer Date: 11/27/06
X-DEFT FREY, JERRY D ATTY: BECHELLI, LAW OFFICES

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

7. 1:00 PM Case: CV33553 [S] TAYLOR v IRONS
Type: OTHER NON PI, PD, WD TORT Date Filed: 03/21/07
Event: TRIAL SETTING

PLNTFF: TAYLOR, DONALD SCOTT ATTY: WEISBERG, MICHAEL ESQ
DEF/XC: BEYETTE, DAVID ATTY: DANIEL CROWLEY & ASSOCIATES
Service Date/Type: 05/09/07 PER Answer Date: 06/25/07
DF/X-D: IRONS, EMMETT ATTY: LEWIS BRISBOIS BISGAARD & SMI
Service Date/Type: 00/00/00 Answer Date: 06/26/07
X-DEFT WARD, CAROLE ATTY: JOHNSON SCHACHTER & LEWIS
Service Date/Type: 00/00/00 Answer Date: 02/06/08
I/DBA: WARD ASSOCIATES

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 6 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day jury trial.

8. 1:00 PM Case: CV33961 [S] ARBOUR v SOUZA
Type: REAL PROPERTY Date Filed: 08/08/07
Event: FURTHER CASE MANAGEMENT CONF-CIVIL;
CONT'D OSC RE FILING COMPLIANCE

PLNTFF: ARBOUR, ROGER ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
PLNTFF: ARBOUR, SHELIA M ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
DEFNDT: SOUZA, NORMAN J ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 05/07/08
DEFNDT: SOUZA, DULCENIA S ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 05/07/08

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/8/08.

9. 1:00 PM Case: CV34447 [S] BRUMBAUGH v CALAVERAS COUNTY
Type: CIVIL PETITION Date Filed: 02/25/08
Priority Info: 170.6 JEM
Event: CASE MANAGEMENT CONFERENCE-CIVIL
CONTINUED OSC RE FILING COMPLIANCE
170.6 JEM

PETNR: BRUMBAUGH, ALLEN ATTY: IN PRO PER
RESP: CALAVERAS COUNTY BOARD OF SUPERVI
RESP: CALAVERAS COUNTY TREASURER TAX CO
RESP: CALAVERAS COUNTY ELECTIONS DEPART
RESP: APPALOOSA ROAD COMMUNITY SERVICE

Tentative Ruling: In this matter as summons was never issued. Service by mail on a defendant within the state is not permitted, absent the defendant's consent. Judicial Council form "POS-10" and not "POS-20" should be used for service of the summons and petition in this matter. The matter is not At-Issue and is set for further Case Management. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 10/6/08.

10. 2:00 PM Case: CV30265 [S] COUNTY OF SAN JOAQUIN v DAULT
Type: REGISTRATION CALIF SUPPORT ORD Date Filed: 01/22/04
At-Issue Date: 00/00/00 Trial: 02/27/08 COURT TRIAL - SHORT CAUSE
Event: FURTHER CASE MANAGEMENT CONF-JUDGMENT P= 8
08/15/08 0:00 1 TICKLER RE: PREPARE EXHIBIT DESTRUCTION
NOTICE

PETNR: COUNTY OF SAN JOAQUIN
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: GARIBALDI MINOR P.D.: RUSSO, ARLEEN ESQ
RESP: DAULT, JEFFERY L ATTY: MOORE, ROBERT G. ESQ
MOTHER: GARIBALDI, JEANINE ATTY: IN PRO PER

Tentative Ruling: Attorney for Respondent is directed to prepare and submit a Judgment in this matter. This matter awaits entry of judgment. The matter is continued for further case management, if judgment enters in the interim the following date will be vacated, Dept 1A at 1:00 PM on 10/6/08.

11. 2:00 PM Case: CV32075 [S] DAVIS v DAVIS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/11/05
At-Issue Date: 00/00/00 Trial: 03/05/08 COURT TRIAL - SHORT CAUSE
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: DAVIS, CHRISTINE ATTY: BECHELLI, LAW OFFICES
RESP: DAVIS, KEN ATTY: CHAVEZ-OCCHOA LAW OFFICES INC.
Service Date/Type: 10/27/05 PER Answer Date: 11/17/05
CLAMNT: PENSION PLAN FOR OPERATING ENGINE
CLAMNT: OPERATING ENGINEERS ANNUITY PLAN

Tentative Ruling: Judgment on reserved issues was signed 7/3/08. It appears there are no further prejudgment issues and no further case management hearings will be scheduled. If there are pending prejudgment issues still for left for determination the parties or counsel must appear and state the pending issue(s).

12. 2:00 PM Case: CV32599 [S] JURSNICH v JURSNICH
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/19/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: JURSNICH, AMBER ATTY: HARRIS & PERISHO
RESP: JURSNICH, RAYMOND E. ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 05/02/06 NAR Answer Date: 05/24/07

Tentative Ruling: There is a permanent custody order. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/6/08.

13. 2:00 PM Case: CV32997 [S] KLASS v KLASS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/18/06
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: KLASS, NANNETTE ATTY: TRIFILO, JOHN J. ESQ
RESP: KLASS, RONALD "RIVER" ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 10/13/06 PER Answer Date: 10/10/07

Tentative Ruling: It appears the matter is settled and awaits the property sale. If there is no final agreement, Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing and Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 11/3/08.

14. 2:00 PM Case: CV34178 [S] COOPER v COOPER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/26/07
Event: FURTHER CASE MANAGEMENT CONF/TRIAL SETTING P= 8

Related cases NOT on this calendar: CV34242 ,
PETNR: COOPER, CHRISTINA D. ATTY: SALAZAR, ANTHONY T. ESQ
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: COOPER, CORY L ATTY: MIKELICH, STEVEN G. ESQ

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) on the issue of Child Custody at 3:00 PM in Dept. 1A on 9/8/08. This hearing will also be case management on all remaining issues.

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15. 2:00 PM Case: CV34240 [S] SAGE v SAGE
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/26/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW P= 8

PETNR: SAGE, LAUREL A ATTY: TRIFILO, JOHN J. ESQ
RESP: SAGE, CHARLES B
Service Date/Type: 01/04/08 SUB 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 10/6/08.

16. 2:00 PM Case: CV34484 [S] PATTON v BUTTON
Type: LEGAL SEPARATION WITH MINOR CH Date Filed: 03/05/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW P= 8

Related cases NOT on this calendar: CV34673 ,
PETNR: PATTON, KRISTEN N. ATTY: IN PRO PER
RESP: BUTTON, RANDY T. ATTY: SALAZAR, ANTHONY T. ESQ

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 9/8/08.

17. 2:00 PM Case: CV34487 [S] EASTMAN v EASTMAN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/06/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW P= 8

PETNR: EASTMAN, CLAY ATTY: NORTON, MICHAEL R. ESQ
RESP: EASTMAN, DIANE ATTY: IN PRO PER
Service Date/Type: 04/24/08 PER Answer Date: 05/09/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/6/08.

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18. 2:00 PM Case: CV28228 [S] BILLINGS v CHRISTIAN
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 02/20/02
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV33703 , C12791 ,
PETNR: BILLINGS, TERRY LEON ATTY: IN PRO PER
MINOR: CHRISTIAN-BILLINGS MINOR P.D.: RUSSO, ARLEEN ESQ
Service Date/Type: 00/00/00 Answer Date: 01/30/08
RESP: CHRISTIAN, KIM M. ATTY: IN PRO PER

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference
(See Local Rule 5.9(b)) at 3:00 PM in Dept. 1A on 9/8/08.

19. 2:00 PM Case: CV33772 [S] VORIS v VORIS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/06/07
At-Issue Date: 00/00/00 Trial: 01/24/08 COURT TRIAL - SHORT CAUSE
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV33890 , C12820 ,
PETNR: VORIS, JAMES ATTY: IN PRO PER
MINOR: VORIS MINOR P.D.: RUSSO, ARLEEN ESQ
RESP: VORIS, ANIKA ATTY: IN PRO PER
Service Date/Type: 06/12/07 PER Answer Date: 07/05/07

Tentative Ruling: Both parties have filed their disclosures, however,
Petitioner's disclosure documents a filed without the necessary dates of
delivery. Petitioner must appear at the hearing to correct the documents or
submit an amended Final Declaration of Disclosure (FL-141) prior to the next
hearing. The matter is set for Settlement and Trial Setting Conference (See
Local Rule 5.9(b)) at 3:00 PM in Dept. 1A on 10/6/08.

20. 2:00 PM Case: CV34070 [S] CABLE v BREN
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/17/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
PETITIONER ORDERED TO APPEAR

PETNR: CABLE, FALLON E. ATTY: IN PRO PER
RESP: BREN, BRANDEN K. ATTY: IN PRO PER
Service Date/Type: 10/01/07 PER Answer Date: 07/02/08

Tentative Ruling: Respondent has filed the necessary financial disclosures.
Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure
(FL-141) prior to the next hearing. Petitioner is ordered to serve and file a
Final Declaration of Disclosure (FL-141) prior to the next hearing. After
review of the file, the matter is set for a further Case Management Conference
in Dept. 1A at 2:00 PM on 10/6/08.

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21. 2:00 PM Case: CV34478 [S] ZAKHARIN v ZAKHARIN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/03/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: ZAKHARIN, PETER ATTY: IN PRO PER
RESP: ZAKHARIN, PAULA
Service Date/Type: 03/03/08 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 10/6/08.

22. 2:00 PM Case: CV34483 [S] MARONEY v MARONEY
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 03/05/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: MARONEY, JANIS ATTY: IN PRO PER
RESP: MARONEY, TIMOTHY JOHN

Tentative Ruling: The court notes the date of the parties separation is 1/13/78. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/6/08.

23. 2:00 PM Case: CV34485 [S] SCOVONE v MARGRITZ
Type: ESTABLISH PARENTAL RELATION Date Filed: 03/06/08
Priority Info: CONFIDENTIAL
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW
07/15/08 9:00 1 PETITIONER'S OSC FOR CUSTODY AND
VISITATION

Related cases NOT on this calendar: CV31221 , CV33707 ,
PETNR: SCOVONE, JAMES C. ATTY: IN PRO PER
RESP: MARGRITZ, BRANDI

Tentative Ruling: The petitioner has not filed a Proof of Service of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/6/08.

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24. 3:00 PM Case: CV33235 [S] MCMURTRY v HALL
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/29/06
Priority Info: MSE 3/21/2008
Event: FURTHER SETTLEMENT CONFERENCE

PETNR: MCMURTRY, JUDITH A. ATTY: AIROLA & AIROLA
RESP: HALL, ROBERT D. ATTY: WHITE, BLAIR M. ESQ
Service Date/Type: 11/30/06 ACK Answer Date: 06/04/07

Tentative Ruling: It appears the parties' settlement completion is pending the property sale. There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.

25. 3:00 PM Case: CV33704 [S] GERLITZ v GERLITZ
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 05/11/07
Priority Info: THIS IS LEAD CASE W/CV33724
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV33724 ,
PETNR: GERLITZ, GAYLORD ATTY: COTTRELL, STEVEN J ESQ
RESP: GERLITZ, DANA ATTY: HASTINGS, CHARLES L. ESQ
Service Date/Type: 05/25/07 PER 00/00/00

Tentative Ruling: Marital status has been terminated. There is no Tentative Ruling on this case. The parties, or their legal counsel if represented, are ordered to appear.

26. 3:00 PM Case: CV34337 [S] BAST v BAST
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 01/03/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV34338 ,
PETNR: BAST, CATHY M ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
DEFNDT: BAST, ROBERT B ATTY: ANDERSON, DIANE ESQ
Service Date/Type: 01/08/08 NOT Answer Date: 01/09/08

Tentative Ruling: Neither party has filed the necessary financial disclosures nor have they filed timely settlement conference statements and thus a settlement conference appears premature. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 10/6/08.
